

## Message Text

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44

ACTION AF-04

INFO OCT-01 SS-14 ISO-00 L-02 SCS-01 SCA-01 CIAE-00 INR-10

NSAE-00 RSC-01 PRS-01 DRC-01 NSC-10 NSCE-00 /046 W

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R 130900Z DEC 73

FM AMEMBASSY TANANARIVE

TO SECSTATE WASHDC 5854

C O N F I D E N T I A L TANANARIVE 1738

LIMDIS

E. O. 11652: GDS

TAGS: CASC, MA

SUBJ: W/W REPPAS

REFS: A) TANANARIVE 1729; B) TANANARIVE 1640; C) STATE 231264

FOR: AF & SCS

BEGIN SUMMARY: TEXT OF COURT DECISION CONFIRMS ASSESSMENT OF DAMAGES TO MALAGASY STATE BASED IN PART ON AMERICAN LETTER WRITING AND PRESS CAMPAIGN FOR REPPAS RELEASE, FOR WHICH REPPAS IS HELD RESPONSIBLE. PRIOR TO MAKING POSSIBLE DEMARCHE TO GOMR POINTING OUT DEPT WOULD NOT CONSIDER THAT FAIR, EMBASSY WOULD APPRECIATE DEPT'S LEGAL REVIEW OF TEXT OF DECISION AND EMBASSY'S BELIEF REPPAS DID IN FACT URGE FRIENDS AND PRESS TO CARRY ON SUCH CAMPAIGN. ALSO AND CONTRARY TO EARLIER EMBASSY IMPRESSION, REPPAS IS PRESENTLY RESPONSIBLE FOR PAYMENT ENTIRE 75 MILLION FMG (\$355 THOUSAND) IF CODEFENDENT BACOPOULOS DOES NOT PAY HIS HALF. END SUMMARY.

1. PRIOR FURTHER CONSIDERATION DEMARCHE TO MOFA REGARDING FAIRNESS OF REPPAS TRIAL, SUGGESTED AS POSSIBILITY IN PARA 3 REF C, EMBASSY REQUESTS DEPT'S LEGAL VIEWS FOLLOWING ELEMENTS:

A. FREE TRANSLATION OF SECTION OF DECISION (SEE PAGE 46 OF FRENCH TEXT POUCHED DEPT DEC 11, REFTTEL A) DEALING WITH DEFAMATION OF MALAGASY STATE: "WHEREAS, IN ORDER TO EVALUATE THE DAM-  
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AGE SUFFERED AND TO ESTABLISH THE AMOUNT OF REPARATIONS, THE

COURT TAKES INTO CONSIDERATION: (A) (IRRELEVANT); (B) (IRRELEVANT); (C) THE UNQUESTIONABLE MORAL INJURY CAUSED THE MALAGASY STATE, ITS POLITICAL AND FOREIGN FINANCIAL PRESTIGE BEING GRAVELY AFFECTED BY THE FRAUDULENT CONSPIRACY ORGANIZED BY THE ACCUSED; THAT THE PROOF OF THIS INJURY FOLLOWS FROM THE NUMEROUS LETTERS AND COMPLAINTS EMANATING FROM VARIOUS AMERICAN CITIZENS AND INCLUDED IN THE FILE, CONTAINING UNJUST RECRIMINATIONS AGAINST THE GOVERNMENT, COPIES OF MOST OF THESE LETTERS RECEIVED BY THE GENERAL DIRECTION HAVING BEEN SENT BY THEIR AUTHORS TO THE AMERICAN AMBASSADOR AT TANANARIVE AND TO THE MALAGSY EMBASSY IN THE UNITED STATES; THAT THE SAN FRANCISCO PRESS WHICH TOOK UP THE AFFAIR ON JUNE 20, 1973 SPOKE OF A DETENTION 'WITHOUT EITHER PROCEEDINGS OR JUDGMENT FOR SEVEN AND ONE HALF MONTHS OF AN EMINENT HILLSBOROUGH BUSINESSMAN;' THAT AN EQUALLY GRAVE ACCUSATION OF ILLEGAL AND ARBITRARY DETENTION, PUBLISHED DURING THE INSTRUCTION (EMBASSY NOTE: HEARINGS BEFORE THE EXAMINING MAGISTRATE) DURING WHICH THE RIGHTS OF THE DEFENSE WERE ALWAYS RESPECTED, HAS SULLIED THE HONOR OF THE GOVERNMENT; (D) (IRRELEVANT, ETC.)."

B. FYI: EMBASSY'S STRONG BELIEF, BUT NO WRITTEN PROOF, THAT REPPAS, HIMSELF, DID IN FACT INSTIGATE LETTER WRITING AND PRESS CAMPAIGN. JAFFEE, NEWSWEEK AFRICA CORRESPONDENT, TOLD CHARGE REPPAS HAD PERSONALLY REQUESTED NEWSWEEK TO PUBLISH ARTICLE AND IF REPPAS SUFFERED STIFFER PENALTY BECAUSE OF IT, HIS OWN CONSCIENCE WOULD BE CLEAR. CONSOFF HAS PERSONALLY SEEN CORRESPONDENCE FROM REPPAS TO FRIENDS IN U.S. URGING PRESSURE ON GOMR. AS DEPT AWARE, A HIGH PERCENTAGE OF LETTERS TO GEN. RAMANANTSOA THREATEN THAT AUTHORS WILL ADVISE OTHERS NOT TO DO BUSINESS IN MADAGASCAR UNLESS REPPAS PROMPTLY RELEASED. END FYI.

C. FACT THAT MRS. ROSY RAZAFINJATO, COURT INTERPRETER, WAS CLEARLY NON-PROFESSIONAL. ALTHOUGH DEFENSE DID NOT CONTEST THIS ELEMENT IN TRIAL PROCEEDINGS, EMBASSY OBSERVERS CONVINCED THAT JUDGE MAINLY GOT MEDIOCRE SUMMARIES RATHER THAN VERBATIM TRANSLATIONS INTO FRENCH OF REPPAS' VARIOUS STATEMENTS IN COURT AND VICE VERSA.

2. IF DEPT BELIEVES DEMARCHE IS JUSTIFIED FROM LEGAL POINT OF VIEW, EMBASSY WOULD THEN PLAN CONSULT WITH REPPAS' APPEAL ATTORNEY LEBEL TO ASCERTAIN SUCH ACTION WOULD NOT BE DETRIMENTAL TO REPPAS. IF HE FAVORS EMBASSY DEMARCHE, EMBASSY WOULD ALSO CONFIDENTIAL

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ASCERTAIN WHETHER LEBEL BELIEVES ORAL DEMARCHE TO MOFA AND/OR JUSTICE MINISTRY WOULD BE SUFFICIENT OR WHETHER IF PREFERABLE FOR APPEAL PURPOSES TO GO ON RECORD BY DIP NOTE.

3. INDEPENDENT OF DEMARCHE ISSUE IS AMOUNT OF DAMAGES TO STATE ASSESSED REPPAS. REF B, PARA 1 MAY HAVE LEFT IMPRESSION REPPAS IS RESPONSIBLE FOR ONLY HALF OF 75 MILLION FMG. HOWEVER, TEXT OF DECISION REVEALS (PAGE 48) REPPAS AND BACOPOULOS ARE JOINTLY

RESPONSIBLE FOR PAYMENT. THUS, AT LEAST UNDER PRESENT CIRCUMSTANCES, REPPAS IS LIABLE FOR PAYMENT ENTIRE AMOUNT IF BACOPOULOS UNABLE PRODUCE HIS HALF. IT IS OUR IMPRESSION BACOPOULOS' FINANCIAL STRAITS EVEN MORE DIRE THAN REPPAS'.

4. PLEASE ADVISE RE PARAS 1 AND 2 ABOVE.  
MATHERON

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**TAGS:** CASC, PFOR, MA, (REPPAS, GEORGE)  
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